

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.20027 of 2015
and M.P.Nos.1 & 5 of 2015
Reserved on 11.12.2015

1. A.Ravichandran
2. Sarala Sri
3. Shankaran
4. S.Dinesh
5. Mrs.Kala

... Petitioners

Vs

1. The State rep. by
Inspector of Police,
W.17, All Women Police Station,
Peravallur, Chennai-82

2. Mrs.K.Amala

... Respondents

(R-2 impleaded as per the order of
this Court dated 03.09.2015 in
M.P.No.3 of 2015)

Criminal Original Petition filed under Section 482
Cr.P.C., praying to call for the records pertaining to
C.C.No.495 of 2015 on the file of the V Metropolitan Magistrate,
Chennai and quash the same.

For Petitioner : Mr.R.Sethuvarayar

For Respondents : Mr.C.Emalias,
Additional Public Prosecutor
for R1
Mr.R.Balasubramaniam for R2

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O R D E R

The present criminal original petition has been filed praying to call for the records pertaining to C.C.No.495 of 2015 on the file of the V Metropolitan Magistrate, Chennai and quash the same.

2. The second respondent is the defacto complainant. She preferred a complaint before the first respondent/police against her husband, the petitioner herein and his family members, alleging that she had been harassed and subjected to cruelty for want of dowry. Based on the said complaint, a case was registered in Crime No.7 of 2014 under Sections 498(A), 506(ii) IPC. After completion of the investigation, the first respondent police laid a charge sheet before the V Metropolitan Magistrate, Egmore, Chennai, which was taken on file vide C.C.No.495 of 2015. Now, the petitioners have come forward with the present petition, praying to quash the same.

3. The learned counsel appearing for the petitioners would submit that the trial Court has not considered the report of the District Welfare Officer (Prevention of Anti Dowry Act) and no ingredients under Sections 498-A, 406 and 506(ii) of IPC were made out against the petitioners and absolutely, there was no occasion to harass the defacto complainant or demand the alleged dowry by the petitioners.

4. The learned Additional Public Prosecutor would submit that the defacto complainant has made specific allegations against the petitioners that she had been subjected to cruelty being harassed mentally by the petitioners for want of dowry and thereby, the requirements under Sections 498A IPC and 506(ii) IPC are made out and hence, he sought for dismissal of the petition.

5. Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor for the first respondent and perused the entire materials placed on record.

6. It is the specific case of the petitioners that no ingredients under Sections 498-A IPC were made out as the defacto complainant was not subjected to cruelty since she was not harassed physically. But it is to be noted that the defacto complainant made specific allegations that she was mentally

harassed for want of dowry. The veracity of the allegation cannot be gone into at this stage in these quashing proceedings. Therefore, it cannot be construed that the allegations made by the petitioner cannot satisfy the requirement of Section 498-A and 506 (ii) IPC. The grounds made by the learned counsel for the petitioners are purely matter of defence, which can be raised at the time of trial. In such view of the matter, I am not inclined to entertain this petition.

7. Accordingly, the present Criminal Original Petition is dismissed. Consequently, interim stay granted on 11.08.2015 in M.P.No.1 of 2015 is hereby vacated. However, the petitioners are at liberty to file a petition to dispense with their personal attendance before the Court below and on such filing, the Court below is directed to consider and pass orders therein. The Miscellaneous Petitions are ordered accordingly.
suk

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

suk

To

- 1.The V Metropolitan Magistrate,
Chennai.
- 2.-Do- Through The Chief Metropolitan Magistrate,
Chennai.
- 3.The Inspector of Police,
W.17, All Women Police Station,
Peravallur, Chennai-82

+1cc to Mr.R.Sethuvarayar, Advocate, S.R.No.2946
+1 cc to Mr.R.Balasubramanian, Advocate, sr.3244(17.02.2016)
Cr1.O.P.No.20027 of 2015

RSY (CO)
CA(02/02/2016)